THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9795 of 1998

ORAL ORDER:

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This writ petition is filed seeking a Mandamus declaring the action of the respondent in issuing proceedings No.543/OP/A2/98 dated 16.3.1998 promoting six juniors to the petitioners as Administrative Officers by ignoring the petitioner on the ground that disciplinary proceedings against the petitioner are pending, as arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India and consequently direct the respondents to promote the petitioner to the post of Administrative Officer from the date on which his juniors were promoted.

The only grievance of the petitioner is that while he was working as Superintendent way back in the year 1983, disciplinary proceedings have been initiated against him and a charge sheet was issued in the year 1994 and he was suspended from service and the said suspension was the subject matter of a Writ Petition before this Court. Ultimately, the said writ petition was disposed of directing the respondents to complete the enquiry within a period of six months from the date of dismissal of the writ petition. Nonetheless, the enquiry was not completed and thereafter, a fresh charge sheet was issued and the disciplinary proceedings were elongated for the reasons best known to the respondents. In the meanwhile, many of his juniors were marched over him and they were promoted, whereas in the guise of pendency of disciplinary proceedings, petitioner was denied of promotion. Therefore, the present writ petition is filed.

While admitting the writ petition on 10.4.1998, this Court directed the respondent to consider the case of the petitioner for promotion to the post of Administrative Officer in the existing vacancies in accordance with the rules, without reference to the disciplinary enquiry pending against the petitioner.

The learned counsel for petitioner submits that immediately after receipt of the said interim order, disciplinary proceedings were concluded and final orders were passed on 25.4.1998 imposing with penalty of recovery

of Rs.2,02,209-65 ps. and in view of this, the case of the petitioner was rejected for promotion to the post of Administrative Officer. Questioning the same, petitioner filed another writ petition bearing W.P.No.17542 of 1999 and the same is pending before this Court.

In view of the same, nothing survives in the writ petition for adjudication as of now. The petitioner is always at liberty to seek appropriate relief in the writ petition purported to be pending against the final orders passed.

Subject to the above, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU, J

Date: 4.4.2007

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W.P.No.9795 of 1998

4.4.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9795 of 1998

Date: 4th April, 2007

Between:

K.Surender

.. Petitioner

And

A.P. Agricultural University,
Rajendranagar, Hyderabad.

.. Respondent